



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/983,070	10/23/2001	Vince Fischer	3768-088-27	8891

7590	06/02/2004
------	------------

Supervisor, Patent Prosecution Services
Piper Marbury Rudnick & Wolfe LLP
1200 Nineteenth Street, N.W.
Washington, DC 20036-2412

EXAMINER	
ELHILO, EISA B	

ART UNIT	PAPER NUMBER
1731	

DATE MAILED: 06/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Supplemental
Notice of Allowability**

Application No.

09/983,070

Examiner

Eissa B Elhilo

Applicant(s)

FISCHER ET AL.

Art Unit

1751

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is ~~responsive to~~ supplemental to Notice of Allowability mailed on 12/04/2003.
 2. ☒ The allowed claim(s) is/are 5-28.
 3. ☐ The drawings filed on _____ are accepted by the Examiner.
 4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f)
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- * Certified copies not received: _____.
5. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
 - (a) ☐ The translation of the foreign language provisional application has been received.
 6. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Applicant has **THREE MONTHS FROM THE "MAILING DATE"** of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in **ABANDONMENT** of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

7. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
8. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No. _____.
 - (b) ☐ including changes required by the proposed drawing correction filed _____, which has been approved by the Examiner.
 - (c) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the margin according to 37 CFR 1.121(d).

9. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|---|
| <ol style="list-style-type: none"> 1 <input type="checkbox"/> Notice of References Cited (PTO-892) 2 <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 3 <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No. _____ 4 <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | <ol style="list-style-type: none"> 5 <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) 6 <input type="checkbox"/> Interview Summary (PTO-413), Paper No. _____ 7 <input checked="" type="checkbox"/> <u>Supplemental</u> Examiner's Amendment/Comment 8 <input type="checkbox"/> Examiner's Statement of Reasons for Allowance 9 <input type="checkbox"/> Other _____ |
|---|---|

Lorna M. Douyon
LORNA M. DOUYON
PRIMARY EXAMINER

SUPPLEMENTAL EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Perry E. Van Over on May 27, 2004.

The application has been amended as follows:

In the specification:

Please insert the following "Brief Description of the Figures" at page 6, after the 1st full paragraph, line 9, before the "Detailed Description of the Invention".

-- BRIEF DESCRIPTION OF THE FIGURES --

--FIG. 1 is a photograph of hair locks showing fading over time of hair color treatment using ArTecTM.

FIG. 2 is a photograph of hair locks showing fading over time of hair color treatment using Pantene Pro-VTM.

FIG. 3 is a photograph of hair locks showing fading over time of hair color treatment using Color VIVETM.

FIG. 4 is a photograph of hair locks showing fading over time of hair color treatment using PreferenceTM.

FIG. 5 is a photograph of hair locks showing fade reversal over time of color-treated hair after treatment in accordance with the invention.

FIG. 6 is a photograph of hair locks that were originally treated with L'Oreal Rouge RomantiquesTM and over time demonstrated fading. Following treatment of the faded hair with a red color in accordance with the invention, the hair regained the color observed immediately after the original treatment with L'Oreal Rouge RomantiquesTM.

FIG. 7 is a photograph of hair locks that were originally treated with Ultrass Custom ColourTM and over time demonstrated fading. Following treatment of the faded hair with a light blonde color in accordance with the invention, the hair regained the color observed immediately after the original treatment with Ultrass Custom ColourTM.

FIG. 8 is a photograph of hair locks that were originally treated with L'Oreal Superior PreferenceTM and over time demonstrated fading. Following treatment of the faded hair with a light auburn color in accordance with the invention, the hair regained the color observed immediately after the original treatment with L'Oreal Superior PreferenceTM.

FIG. 9 is a photograph of hair locks that were originally treated with L'Oreal Superior PreferenceTM and over time demonstrated fading. Following treatment of the faded hair with a golden blonde color in accordance with the invention, the hair regained the color observed immediately after the original treatment with L'Oreal Superior PreferenceTM.

FIG. 10 is a photograph of hair locks that were originally treated with Nice'n Easy Color Balance FormulaTM and over time demonstrated fading. Following treatment of the faded hair with an ash brown color in accordance with the invention, the hair regained the color observed immediately after the original treatment with Nice'n Easy Color Balance FormulaTM.

FIG. 11 is a photograph of hair locks that were originally treated with L'Oreal FeriaTM and over time demonstrated fading. Following treatment of the faded hair with a auburn color in accordance with the invention, the hair regained the color observed immediately after the original treatment with L'Oreal FeriaTM.

FIG. 12 is a photograph of hair locks that were originally treated with L'Oreal Superior PreferenceTM and over time demonstrated fading. Following treatment of the faded hair with a blonde color in accordance with the invention, the hair regained the color observed immediately after the original treatment with L'Oreal Superior PreferenceTM.

FIG. 13 is a photograph of hair locks that were originally treated with Nice'n Easy Rich Conditioning ColorTM and over time demonstrated fading. Following treatment of the faded hair with a brown color in accordance with the invention, the hair regained the color observed immediately after the original treatment with Nice'n Easy Rich ConditioningColorTM.

FIG. 14 is a photograph of hair locks comparing hair after treatment using Loving CareTM (A) and after treatment in accordance with the invention (B). --

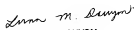
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eisa B Elhilo whose telephone number is (571) 272-1315. The examiner can normally be reached on M - F (8:00 -5:30) with alternate Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra Gupta can be reached on (571) 272-1316. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Eisa Elhilo
May 27, 2004



LORNA M. DOUYON
PRIMARY EXAMINER